

ORDINANCE NO. 28858

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO ADD A NEW CHAPTER 20.75, PEDESTRIAN ORIENTED ZONING DISTRICTS, ESTABLISH THE MAIN STREET DISTRICTS WITHIN THAT CHAPTER, ESTABLISH PARKING AND LOADING REQUIREMENTS FOR MAIN STREET DISTRICTS, AND MAKE OTHER RELATED CHANGES TO CHAPTER 20.10, GENERAL PROVISIONS AND ZONING DISTRICTS, CHAPTER 20.40, COMMERCIAL ZONING DISTRICTS, CHAPTER 20.80 SPECIFIC USE REGULATIONS, CHAPTER 20.175, COMMERCIAL AND INDUSTRIAL COMMON INTEREST DEVELOPMENT REGULATIONS, AND 20.200, DEFINITIONS, ALL TO BETTER ALIGN WITH AND FURTHER SUPPORT THE PEDESTRIAN ORIENTED ZONING DISTRICTS

WHEREAS, pursuant to the provisions of Title 21 of the San José Municipal Code and the California Environmental Quality Act of 1970, as amended, the Director of Planning, Building and Code Enforcement ("Director") has circulated for review that certain Negative Declaration prepared in connection with this Ordinance, which Negative Declaration was approved by the Director on May 22, 2009 under File No. PP09-012 (the "Negative Declaration"); and

WHEREAS, pursuant to said Title 21, the Director also prepared that certain Addendum to the Negative Declaration dated November 10, 2010 under said File No. PP09-012; and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, the City Council has considered the Negative Declaration, together with the Addendum, and hereby finds that there is no substantial evidence that the adoption of this Ordinance will result in a significant environmental effect on the environment and that the Negative Declaration, together with the Addendum, represents the independent judgment and analysis of the City;

WHEREAS, the City's Director and City Clerk are the custodian of documents related to the record of proceedings pertaining to the adoption of this Ordinance, both of whom are located at City's City Hall, 200 East Santa Clara Street, San José, CA, 95113.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Title 20 of the San José Municipal Code is hereby amended by adding a Chapter to be numbered and entitled to read as follows:

**CHAPTER 20.75
PEDESTRIAN ORIENTED ZONING DISTRICTS**

**Part 1
General**

20.75.010 Pedestrian Oriented Zoning Districts

- A. This Chapter sets forth the land use and development regulations applicable to the Pedestrian Oriented Zoning Districts established by Section 20.10.060.
- B. No building, structure or land shall be used and no building or structure shall be erected, enlarged or structurally altered in a Pedestrian Oriented District except as set forth in this Chapter.
- C. The Pedestrian Oriented Zoning Districts are intended to foster urban development that encourages pedestrian movements and supports transit, cycling and other alternatives to vehicular travel through: 1) design standards that place building mass at the street front and emphasize pedestrian connections while minimizing vehicular/pedestrian conflicts; and 2) land use regulations that provide a critical intensity and mix of uses.

20.75.020 MS Main Street Districts

A. Applicability

The MS Main Street Districts as established by Section 20.10.060 shall be applicable only to properties located within the Alum Rock Neighborhood Business District, as that District is described and identified in the San Jose 2020 General Plan (as the same may be updated and/or amended from time to time.

B. Purpose

The MS Main Street Districts are intended to provide a pedestrian-oriented commercial shopping district with ground-floor retail along the Main Street in a configuration that supports transit and other alternative travel modes including bicycles, car share and vanpools. The MS Districts require transparent storefronts at the ground level to accommodate active commercial uses and orient buildings to a wide pedestrian zone that connects businesses along the street, allows for outdoor cafés, accommodates bicycle parking facilitates, provides access to transit and connects with pedestrian and bicycle facilities in the surrounding neighborhood.

1. MS-G Main Street Ground Floor Commercial District. The MS-G Main Street Ground Floor District is intended to provide a mix of commercial and residential uses integrated in a pedestrian-oriented design with a focus on active commercial uses at the ground level along the Main Street Frontage.
2. MS-C Main Street Commercial District. The MS-C Main Street Commercial District is intended to provide a concentration of primarily commercial uses within a pedestrian-oriented design, and allows a mix of commercial and residential uses only where such uses can be integrated on a large site in a pedestrian-oriented design that maximizes commercial opportunities.

C. Street Designations

1. Street Designations. The following street designations shall apply to streets within the Main Street Districts:
 - a. Main Street. The Main Street designation shall apply to the commercial street or streets which provide primary public access to the business district. Lots with frontage on and direct access to a Main Street shall be considered to have a Main Street Frontage.
 - b. Major Cross Street. The Major Cross Street designation shall apply to an arterial street that intersects the Main Street or to any other street that is primarily non-residential in character and where commercial uses would generally be expected to front onto the street. Lots with frontage on and direct access to a Major Cross Street shall be considered to have a Major Cross Street Frontage.
 - c. Minor Cross Street. The Minor Cross Street designation shall apply to a neighborhood or neighborhood collector street that intersects the Main Street or to any other neighborhood street where commercial uses are appropriate. Lots with frontage on and direct access to a Minor Cross Street shall be considered to have a Minor Cross Street Frontage.
 - d. Residential Street. The Residential Street designation shall apply to a street that is primarily residential in character that does not intersect the Main Street. Lots with frontage on and direct access to a Residential Street shall be considered to have a Residential Street Frontage.
2. Street Hierarchy. The Street Designations in this Section are related to each other in a hierarchical manner as indicated below:
 - a. First priority – Main Street

- b. Second priority – Major Cross Street
- c. Third priority – Minor Cross Street
- d. Forth priority – Residential Street

For a parcel with two or more street frontages, the higher priority street shall be considered the primary street and those regulations shall govern as identified in this Chapter.

Part 2

Development Regulations

20.75.100 Development Standards

All development in the Pedestrian Oriented Districts shall conform to the regulations set forth in this Part.

20.75.105 Lot Size

- A. The minimum lot size shall be 6,000 square feet.
- B. Notwithstanding, the provisions of Section 20.75.105.A, in the Pedestrian Oriented Districts, the minimum area of a lot, whose area as shown on a final subdivision map approved by the City, is less than the minimum required but not less than 5,000 square feet, shall be the area shown for such lot or parcel on such subdivision map.
- C. The minimum unit size for a non-residential condominium space shall conform to the requirements of Section 20.175.042.B.

20.75.110 Building Placement

- A. Building placement and building setbacks shall conform to the regulations set forth in Table 20-150.

Table 20-150 MS-G and MS-C Main Street Districts Required Build-to-Lines and Setbacks			
Regulations	Main Street or Major Cross Street Frontage	Minor Cross Street Frontage	Residential Street Frontage
Front build-to-line	5 ft. from front lot line	2 ft. from front lot line	n/a
Front setback	10 ft. maximum	10 ft maximum	10 ft. minimum 15 ft. maximum
Percent of building façade that is required to be located on the build-to-line or set back no more than one (1) foot from the build-to-line ¹	70% minimum	30% minimum	n/a
Side interior setback ²	None	None	None or 5 feet minimum
Setback from any lot line adjacent to a property located in a Residential Zoning District ³	15 ft. minimum	15 ft. minimum	15 ft. minimum
Setback from any other lot line	Conform to Building Code	Conform to Building Code	Conform to Building Code

Notes:

1. See Section 20.75.110.B.1.
2. See Section 20.75.110.B.5
3. See Section 20.75.110.B.4

B. Building Placement Requirements and Exceptions

1. Building placement shall conform to the following:

- a. The front build-to-line shall apply to that portion of a building located below the elevation of the fifth finished floor.
 - b. No portion of the building shall be located within the minimum setback area between the build-to-line and the street except as expressly allowed in Section 20.75.120.A.
 - c. For purposes of calculating the percentage of building façade located at the build-to-line, a window that is inset from the surrounding building façade shall be assumed to be at the same plane as the surrounding building façade.
2. Notwithstanding the provisions of Table 20.150, in Section 20.75.110 the decision-maker may approve a building fronting onto a Main Street, Major Cross Street or Minor Cross Street Frontage with a front setback that is greater than the maximum front setback set forth in Table 20.150, based on a finding that a greater setback is needed in order to provide one or more recessed pedestrian entries or a pedestrian plaza, or to accommodate pedestrian ramps in a flood zone.
3. Notwithstanding the provisions of Table 20.150 in Section 20.75.110, the decision-maker may approve a building on a Main Street or Cross Street Frontage with less than seventy (70) percent of the building façade located at the building-to-line based on a finding that such a reduction is needed to accommodate recessed pedestrian entries at the ground level or residential balconies at the elevation of the second finished floor or above.
4. Notwithstanding the provisions of Table 20.150 in Section 20.75.110, no setback is required from that portion of a property situated in a Residential Zoning District that is located less than 100 feet from the Main Street.

5. Notwithstanding the provisions of Table 20.150 in Section 20.75.110, an interior side setback of less than five feet, but greater than zero, shall be allowed to accommodate Title 24 requirements regarding building expansion.

20.75.120 Setback Regulations

A. Front Build-to-Line Setback Requirements

1. **Applicability.** All development on lots with frontage on a Main Street, Major Cross Street or Minor Cross Street shall conform to the build-to-line and pedestrian zone setback requirements of this Subsection.
2. **Purpose.** The Pedestrian Zone consists of a minimum ten-foot sidewalk and a private property building setback . The regulations of this Section for the front building setback are intended to promote an active, safe and attractive pedestrian zone.
3. **Pavement.** The area between the sidewalk and the Build-to-line shall be paved to match the sidewalk.
4. **Encroachments.** The front setback area between the sidewalk and the build-to-line shall be kept open, unobstructed, and unoccupied on the surface of the ground, above the surface of the ground and below the surface of the ground by all buildings, structures, fences, ramps, or equipment, except as follows:
 - a. Signs, lighting, sills, eaves, belt courses, cornices, canopies, awnings, and other similar architectural features located a minimum of eight (8) feet above grade; and
 - b. Walks and driveways for vehicular or pedestrian access to the lot that are at the same elevation as the adjacent public sidewalk; and

- c. Overhead wires necessary for utility service to a building on the lot; and
- d. Underground lines necessary for utility service to the site; and
- e. Utility structures located entirely below grade; and
- f. Planters or planting beds, extending not more than 18 inches into the setback area and no more than 18 inches in height above grade; and
- g. Movable tables, chairs, umbrellas, outdoor heaters, and retail displays; and
- h. Moveable partitions or planters to define an outdoor seating area subject to approval of a Development Permit or Permit Adjustment; and
- i. Bicycle racks; and
- j. Balconies located at or above the elevation of the third finished floor that project no more than three (3) feet into the minimum setback.

B. Requirements for All Other Setbacks

Except as otherwise expressly and specifically provided in Subsection 20.75.120.A, every part of every setback area shall be kept open, unobstructed, and unoccupied on the surface of the ground, above the surface of the ground, and below the surface of the ground by all buildings or structures except as follows:

- 1. Lighting, sills, eaves, belt courses, cornices, canopies, awnings may project horizontally for a distance of not more than two (2) feet into the air space above the surface of the ground in any setback area; and

2. Overhead wires necessary for utility service to a building on the lot; and
3. Underground lines necessary for the sewerage, drainage, plumbing, water, gas, and electrical and other utility needs of the lot or of a building on the lot; and
4. Walks and driveways for vehicular or pedestrian access to the lot provided that no part of any such walk or driveway situate in any setback area which abuts upon a public street shall be more than two feet above nor more than one foot below the surface grade of the public street on which such setback area abuts. As used in the preceding sentence "surface grade" shall mean the average grade at top of curb, or if there is no curb then at the centerline, of that linear portion of the public street which abuts such setback area; and
5. Mechanical equipment, including but not limited to, pool equipment and HVAC equipment, may not be placed in a front setback area.

C. Stairs and Porches

Unenclosed porches, whether or not they are covered, may extend into the minimum front setback area of a Residential Street Frontage not more than five (5) feet, provided that such porches cover no more than fifty (50) percent of the setback area. Stairs that are uncovered and unenclosed may extend not more than eight (8) feet into the minimum setback area.

20.75.130 Building Frontage Requirements

- A. Active Commercial Building Frontage and Residential Building Frontage shall be provided in conformance with the regulations set forth in Table 20-151.

Table 20-151	
MS-G and MS-C Main Street Districts	
Building Frontage Requirements	
Lot Type	Minimum Required Active Ground-floor Commercial

Building Frontage	
Main Street Frontage	
Corner lots	65% of the first 100 linear feet of site frontage plus 75% of any additional site frontage beyond the first 100 linear feet
Interior lots – frontage of 100 linear feet or more	60% of the first 100 linear feet of site frontage and 75% of site frontage beyond the first 100 linear feet
Interior lots – frontage of less than 100 linear feet	50% of the first 50 linear feet of site frontage plus 70% of any additional site frontage between 50 and 100 linear feet
Major Cross Street Frontage	
Corner lots with Main Street frontage	25 linear feet of site frontage within 50 feet of the Main Street frontage
All other lots	50% of the linear dimension of the site frontage
Minor Cross Street Frontage	
Corner lots with Main Street frontage	20 linear feet of site frontage within 50 feet of the Main Street frontage
All other lots	50% of the linear dimension of the site frontage
Lot Type	Minimum Residential Building Frontage
Residential Street Frontage	
All lots	Any portion of a building located within fifty (50) feet of the public right-of-way of a Residential Street shall be designed for residential uses.

B. Active Commercial Building Frontage Exceptions

1. The decision-maker may reduce the required active commercial building frontage for lots with less than 100 linear feet of frontage with a Development Permit based on a finding that:
 - a. Reduced active commercial building frontage is needed to allow for vehicular access to the site; and
 - b. Access cannot feasibly be provided through lot assembly or shared access through an adjacent site.

2. If the Director cannot make the findings required in Section 20.75.130.A, up to 2,000 square feet of building area shall be allowed with no on-site vehicle access or parking, provided the building area conforms to all other provisions of this Title.
3. The Active Commercial Building Frontage requirements shall not apply to an Off-Street Parking Establishment for which the Planning Commission or the City Council on appeal approves a Conditional Use Permit which finds that the Off-Street Parking Establishment is needed to serve commercial uses in the area on an interim basis until such time as the site is developed consistent with the Active Commercial Building Frontage requirements of this Chapter.

20.75.140 Requirements for Active Commercial Building Frontage Design

All Active Commercial Building Frontage required pursuant to Section 20.75.130 in the MS-G and MS-C Main Street Districts shall conform to the design requirements set forth in Table 20-152.

Table 20-152		
MS-G and MS-C Main Street Districts		
Requirements for Active Commercial Building Frontage		
Requirements	Less than 8,000 sq. ft. of contiguous commercial space	8,000 or more sq. ft. of contiguous commercial space
Minimum height of first story ¹	15 ft.	18 ft.
Minimum first floor commercial space depth ²	45 ft.	60 ft.
Minimum glazing area	Building façades facing a street shall consist of storefronts with clear, un-tinted glass or other glazing material on at least seventy (70) percent of the surface area of the façade between a height of eighteen (18) inches and ninety-six (96) inches ³ .	

Building entries	All ground level commercial space fronting on a street shall have a primary building entry situated along and accessible from the pedestrian zone. Buildings located on Corner Lots shall have a primary building entrance along and accessible from the Primary Street.
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Notes:

1. "First story height" is the distance between the upper surface of the ground floor and the upper surface of the floor next above.
2. For a lot with two or more street frontages, this provision shall apply only to the primary street frontage as defined in Section 20.75.020.C.2. "Depth of a first floor commercial space" is the length of a line extending perpendicular to the street between the building wall located at the street frontage and the opposing building wall at the rear of the commercial space. The measurement shall be from the interior wall surfaces at grade and shall reflect the minimum distance between the opposing walls along 75% or more of their horizontal dimension.

20.75.150 Residential Frontage Design Requirements

All required Residential Building Frontage in the MS-G and MS-C Main Street Districts shall conform to the design requirements set forth in Table 20-153.

Table 20-153 MS-G and MS-C Main Street Districts Residential Building Frontage Design Requirements	
Requirements	MS-G
Elevation of First Finished Floor	Maximum of 48 inches above grade
Structured Parking on a Residential Building Frontage	Ventilation openings for partially below-grade parking shall not face a Residential Street.
Building Entries	A minimum of one (1) pedestrian building entry shall be provided to the street front for each 50 feet of

	Residential Street Frontage.
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20.75.160 Maximum Building Height

- A. All buildings and structures in the MS-G and MS-C Main Street Districts shall be limited to the number of stories and maximum height as set forth in Table 20-154.

Table 20-154 MS-G and MS-C Main Street Districts Maximum Stories and Height	
Maximum Allowed Stories	5 stories above grade
Maximum Allowed Height ¹	75 ft. above grade
Within fifty (50) ft. of property located in a Residential Zoning District allowing 8 units or less per acre ²	35 ft. maximum height within 20 feet of the residentially zoned property, increasing by one (1) foot for every one (1) additional foot of setback
Within fifty (50) ft. of property located in a Residential Zoning District Allowing 9 to 30 units per acre ²	45 ft. maximum height within 20 feet of the residentially zoned property, increasing by one (1) foot for every one (1) additional foot of setback
Within 40 feet of a Residential Street	40 ft. above grade

Notes:

1. See Section 20.75.160.C
2. See Section 20.75.160.B

- B. Notwithstanding the provisions of Table 20154 in Section 20.75.160, the decision-maker may increase the allowed height for that portion of a building or structure located within 50 feet of a Residential Zoning District with a Development Permit based on the following findings:

1. The property located in a Residential Zoning District is not developed with a residential use; and

2. The orientation, location and elevation of the proposed building/s is compatible with adjacent development; and
 3. The development conforms to all of the provisions of this Title.
- C. Notwithstanding the provisions of Table 20.154 in Section 20.75.160, elevator shafts, roof equipment and other non-habitable building elements that do not exceed an area equal to ten (10) percent of the area of the top floor of the building, may extend to a height of 80 feet.

20.75.180 Residential Recreation Space Requirements

All residential development in the MS-G and MS-C Main Street Districts shall provide Useable Common Recreation Space in conformance with all of the requirements of this Section.

- A. Useable Common Recreation Space shall be provided equal to one hundred (100) or more square feet per residential unit and shall:
1. Be accessible to all residents of the site; and
 2. Provide a minimum horizontal dimension of fifteen (15) feet and a minimum contiguous area of 300 square feet; and
 3. Be designed primarily for recreational use; and
 4. Not include pedestrian circulation unless such circulation is integral to the recreational use of a larger outdoor recreation area, or the pedestrian facility is a jogging trail, exercise course or other facility that is primarily recreational in purpose.
- B. Useable Common Recreation Space may include recreation space that is interior to a building if that interior recreation space conforms to the following additional requirements:

1. The entire area of the indoor space is designed exclusively for recreational use (including but not limited to swimming pools, work-out facilities, tennis courts or multi-use recreation rooms) and is available to all residents of the building or site; and
 2. The area of the indoor recreation space does not exceed fifty (50) percent of the total Useable Common Recreation Space required for the building or site.
- C. Private Open Space shall be provided equal to sixty (60) or more square feet per residential unit for a minimum of fifty (50) percent of the total residential units on the site. Private open space shall be directly accessible from the residential unit it serves and shall have a minimum horizontal dimension of six (6) feet.
- D. Notwithstanding the provision of Section 20.75.180.A, a residential development with twenty (20) residential units or fewer shall not be required to provide Useable Common Recreation Space, if Private Open Space is provided for every residential unit in the amount and with the configuration specified in Section 20.75.180.C.
- E. Notwithstanding the provisions of Section 20.75.180.C, the decision-maker may reduce the percentage of residential units required to have private open space to less than fifty percent of the total units through a Development Permit based on a finding that the Private Open Space that would otherwise be required has been replaced on that site on a one-for-one basis by additional Useable Common Recreation Space that is above and beyond the amount required in Section 20.75.180.A.

Part 3

Use Regulations

20.75.200 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-155.

- B. "Conditional" uses are indicated by a "C" on Table 20-155. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-155. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- D. "Administrative" uses are indicated by an "A" on Table 20-155. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- E. Land uses not Permitted are indicated by a "-" on Table 20-155. Land uses not listed on Table 20-155 are not Permitted.
- F. When the right column of Table 20-155 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other Title of the San Jose Municipal Code.

Table 20.155 Pedestrian Oriented Districts Land Use Regulations					
Use	Main Street Zoning Districts				Applicable Sections & Notes
	MS-G			MS-C	
	Active Commercial Building Frontage	Residential Building Frontage	All Other		
General Retail					

Retail sales, goods and merchandise	P	-	P	P	
Alcohol, off-site sales – beer and/or wine only	C	-	C	C	Section 20.80.900
Alcohol, off-site sales, full range of alcoholic beverages	C	-	C	C	Section 20.80.900
Bakery, retail	P	-	P	P	
Food, beverage, groceries	P	-	P	P	
Nursery, plant	-	-	P	P	Note 1
Outdoor vending	A	-	A	A	Part 10, Chapter 20.80
Pawn shop/broker	C	-	C	C	See Title 6
Seasonal sales	P	-	P	P	Part 14, Chapter 20.80
Retail Art Studio	P	-	P	P	Part 13.7, Chapter 20.80
Education and Training					
Child daycare center located on an existing school site or as an incident to an on-site Church/Religious Assembly use involving no building additions or changes to the site	-	-	P	P	
Day care center	C	-	C	C	
Instructional art studios	P	-	P	P	
Instructional art studios, with live models	C	-	C	C	
Private Instruction, personal enrichment	P	-	P	P	

School- elementary and secondary (Public)	P	-	P	P	
School- elementary and secondary (Private)	C	-	C	C	
School, driving (class C & M license)	P	-	P	P	Note 2
School, post secondary	P	-	P	P	Note 3
School, trade and vocational	C	-	C	C	
Entertainment and Recreation Related					
Arcade, amusement	C	-	C	C	
Dancehall	C	-	C	C	
Poolroom/Billiards Establishment	C	-	C	C	
Private club or lodge	C	-	C	C	
Recreation, Commercial (indoor)	P	-	P	P	
Recreation, Commercial (outdoor)	-	-	C	C	
Relocated Cardroom	-	-	-	-	
Theatre, indoor	C	-	C	C	
Theatre, outdoor	-	-	C	C	
Assembly	C	-	C	C	
Food Services					
Banquet facility	C	-	C	C	
Caterer	P	-	P	P	Note 4
Drinking establishments	C	-	C	C	
Public eating establishments	P	-	P	P	
Outdoor dining, incidental to a public eating establishment or a retail establishment	P	-	P	P	Section 20.75.320
Wineries, Breweries	C	-	C	C	

Health and Veterinary Services					
Animal boarding, indoor	-	-	P	P	Note 5
Animal grooming	P	-	P	P	Note 5
Emergency ambulance service	-	-	C	C	
Hospital/ in-patient facility	C	-	C	C	
Medical clinic/ out-patient facility	P	-	P	P	
Office, medical	P	-	P	P	
Veterinary clinic	P	-	P	P	
General Services					
Bed and Breakfast	-	-	P	P	Part 2, Chapter 20.80
Dry cleaner	P	-	P	P	
Hotel/motel	-	-	P	P	
Laundromat	P	-	P	P	
Maintenance and repair, small household appliances	P	-	P	P	
Messenger services	P	-	P	P	Note 2
Mortuary and funeral services	P	-	P	P	
Personal services	P	-	P	P	Section 20.200.880
Photo processing and developing	P	-	P	P	
Printing and publishing	P	-	P	P	
Offices and Financial Services					
Automatic Teller Machine	P	-	P	P	Section 20.80.200
Business Support	P	-	P	P	
Financial Institution	P	-	P	P	
Office, general business	P	-	P	P	

Public, Quasi-Public and Assembly Uses					
Cemetery	-	-	-	-	
Church/Religious Assembly	C	-	C	C	
Museums, libraries, parks, playgrounds, or community centers (Publicly operated)	P	-	P	P	
Museums, libraries, parks, playgrounds, or community centers (Privately operated)	C	-	C	C	
Residential/Mixed Use					
Multiple dwellings	-	C	C	C-	Section 20.75.210
Residential accessory uses including, recreation facilities, mail rooms, laundry facilities, storage and other similar facilities	-	P	P	P	Section 20.75.210
Home Occupation	-	P	P	P	Part 9, Chapter 20.80
Mixed Use/Ground floor commercial with residential above	C	-	C	C	Section 20.75.210
Emergency residential shelter	-	-	-	-	Section 20.80.500
Live/Work	C	-	S	-	Part 9.75, Chapter 20.80 & Section 20.75.210
Residential Care Facility, six or fewer persons	-	P	P	P	Section 20.75.210

Residential Service Facility, six or fewer persons	-	P	P	P	Section 20.75.210
Residential Care Facility for seven or more persons	-	C	C	C	Section 20.75.210
Residential Service Facility for seven or more persons	-	C	C	C	Section 20.75.210
Single Room Occupancy Hotel	-	-	C	C	Part 15, Chapter 20.80
Single Room Occupancy Living Unit	-	-	C	C	Part 15, Chapter 20.80; Section 20.75.210
Drive-Through Uses					
Drive-through in conjunction with any use	-	-	C	C	Section 20.75.330
Recycling Uses					
Reverse vending	A	P-	A	A	
Small collection facility	A	-	A	A	
Transportation and Utilities					
Data Center	-	-	-	-	
Community television antenna systems	-	-	C	C	
Off-site, alternating use and alternative parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment, off-street	C	-	C	C	Section 20.75.130.B.3
Utility Structures	A	A	A	A	Part 19, Chapter 20.80 and Section 20.75.120.A.4

Utility facilities, excluding corporation yards, storage or repair yards and warehouses.	C	C	C	C	
Television, radio studios without antenna/dishes	-	-	-	-	
Short term parking lot for uses or events other than on-site	-	-	C	C	Note 6
Wireless communication antenna	-	-	C	C	Section 20.100.1300
Wireless communication antenna, slimline monopole	-	-	S	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	P	P	Section 20.80.1910
Electrical Power Generation					
Private Electrical Power Generation Facility	-	-	C	C	Note 2
Co-Generation Facility	S	-	S	S	
Stand-by/Backup					
Facilities that do not exceed noise or air standards	A	S	A	A	
Facilities that do exceed noise or air standards	C	-	C	C	
Temporary Stand-by/Backup	P	-	P	P	
Solar Photovoltaic System	P	P	P	P	Section 20.100.610(C)(7)
Vehicle Related Uses					

Accessory installation, passenger vehicles and pick-up trucks, indoors	P	-	P	P	
Auto broker, wholesale, no on-site storage	P	-	P	P	
Car wash, detailing	-	-	-	-	
Gas or charge station	-	-	-	-	
Gas or charge station with incidental service and repair	-	-	-	-	
Glass sales, installation and tinting	P	-	P	P	Note 10
Sale or lease, commercial vehicles	-	-	-	-	Note 10
Sale passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles, indoors	S	-	S	S	Note 9, Note 10
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	S	-	S	S	Note 2
Sale, vehicle parts	S	-	S	S	Note 8
Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks	S-	-	S	S	Note 7, Note 10
Historic Reuse					
Historic Landmark Structure Reuse	S	C	S	S	Part 8.5 Chapter 20.80

Notes:

- (1) Landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
- (2) No on site storage of vehicles permitted.
- (3) Includes public and private colleges and universities, as well as extension programs and business schools.
- (4) Not a catering facility.
- (5) All uses involving any type of care for animals, including but not limited to grooming, boarding, or medical care must be conducted wholly inside a building.
- (6) Use must be less than twenty-four (24) hours.
- (7) Non engine and exhaust related service and repair allowed as incidental.
- (8) No outdoor sales areas or dismantling allowed.
- (9) Incidental repair of vehicles is prohibited.
- (10) All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.

20.75.210 Mixed Use Development in the MS-C District

Residential uses in the MS-C District shall only be allowed in a vertical mixed-use configuration under a single Development Permit covering a minimum site area of eight (8) acres.

**Part 4
General Regulations**

20.75.300 Late Night Use and Activity

- A. No establishment other than office uses, in any Pedestrian Oriented District shall be open between the hours of 12:00 midnight and 6:00 A.M. except pursuant to and in compliance with a Conditional Use Permit as provided in Chapter 20.100.
- B. No outdoor activity, including loading, sweeping, landscaping or maintenance shall occur within one-hundred fifty (150) feet of any residential use between the hours of 12:00 midnight and 6:00 A.M. except pursuant to and in compliance with

a Conditional Use Permit as provided in Chapter 20.100.

20.75.310 Permanent Structure Required

No use shall be deemed to be a Permitted use on a site in any Pedestrian Oriented Zoning District unless it is being conducted as part of a business which maintains on that site a permanent, fully enclosed building erected pursuant to a valid building Permit issued for that site, excepting only those uses specifically Permitted, under this Part or this Title, to operate without a permanent building on site.

20.75.320 Outdoor Uses within 150 Feet of Residentially Zoned Property

No use, which in whole or in part, consists of, includes, or involves any outdoor activity or sale or storage of goods, products, merchandise or food outdoors shall occur on any lands if any part of such lands or any part of the lot on which such buildings are located is situate within one hundred fifty (150) feet of residentially zoned property situate within or outside the City except with a Special Use Permit as provided for in Chapter 20.100, except for the following:

- A. Seasonal sales in accordance with the provisions in Part 14, Chapter 20.80.
- B. Service windows for pedestrians or automatic teller machines for pedestrians both of which are associated with financial institutions.
- C. Outdoor retail displays located in the front setback that are associated with a commercial use on the property.
- D. Plant nursery sales.
- E. Outdoor dining incidental to a public eating establishment or a retail establishment that conforms to all of the following criteria:
 - 1. The outdoor dining area is located within one hundred (100) feet of the Main Street or is completely separated from any property located in a Residential Zoning District by a minimum distance of fifty (50) feet; and

2. The outdoor dining area does not include any equipment to produce any amplified sound; and
3. The outdoor dining area does not operate between the hours of 12:00 midnight and 6:00 a.m.; and
4. The outdoor dining area is operated in a manner that does not create a private or public nuisance.

20.75.330 Drive Through Uses

No service window for a drive-through use shall be located within 100 feet of the Main Street.

20.75.340 Residential Uses - Prohibition on Provision of Services to Nonresidents

No residential use which includes the provision of service to residents may offer services to nonresidents.

20.75.350 Lighting

- A. All lighting or illumination shall conform with any lighting policy adopted by the City Council.
- B. No ground mounted light fixture shall exceed twenty-five (25) feet in height.
- C. Any lighting located adjacent to riparian areas shall be directed downward and away from riparian areas.

20.75.360 Lighting Adjacent to Residential Properties

Any and all lighting facilities hereafter erected, constructed, or used in connection with any use conducted on any property situate adjacent to a site or lot used for residential

purposes shall be arranged and shielded that all light will be reflected away from any residential use so that there will be no glare which will cause unreasonable annoyance to occupants of such property, or otherwise interfere with the public health, safety, or welfare.

20.75.370 Screening Adjacent to Residentially Zoned Properties

Any use conducted on any property shall be effectively screened at the property line from any abutting property in a Residential District. The screening required hereby shall be a masonry wall or a solid wooden fence five (5) feet in height, except that any portion thereof situate in the required setback area from abutting public streets shall be not more than four (4) feet; and in the event such use includes any outdoor activity, such screening shall also include such trees or plants as the Director deems reasonable necessary to effectively screen such use from the adjoining Residential District. Such screening shall at all times be maintained in good condition and be kept free at all times of signs. In addition, where a use involving outdoor activity is on a lot or parcel adjoining a Residential District, such lot or parcel shall be landscaped in a manner approved by the Director.

**Part 5
Performance Standards**

20.75.400 Performance Standards

- A. In the Pedestrian Oriented Zoning Districts, no primary, secondary, incidental or conditional use or activity related thereto shall be conducted or permitted:
1. In a manner that causes or results in the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere; or
 2. In a manner that constitutes a menace to persons or property or in a manner that is dangerous, obnoxious, or offensive by reason of the creation of a fire, explosion, or other physical hazard, or by reason of air

pollution, odor, smoke, noise, dust vibration, radiation, or fumes; or

3. In a manner that creates a public or private nuisance.
- B. Without limiting the generality of the preceding paragraph, the following specific standards shall apply in the Pedestrian Oriented Zoning Districts:

1. Air Pollution

Total emissions from any use or combination of uses on a site shall not exceed the emissions and health risk thresholds as established by the Director of Planning.

2. Vibration

There shall be no activity on any site that causes ground vibration that is perceptible without instruments at the property line of the site.

SECTION 2. Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended by adding a Part to be numbered and entitled and to read as follows:

**Part 9.75
Live/Work Units**

20.80.760 Live/Work Units

Any Conditional Use Permit or Special Use Permit issued for live-work uses shall be subject to the following criteria:

- A. Only owners or employees of the business associated with the live/work unit may occupy the living unit portion; and
- B. The live/work unit complies with Title 24 of the San Jose Municipal Code.

SECTION 3. Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended by adding a Part to be numbered and entitled and to read as follows:

Part 13.7
Retail Art Studio

20.80.1175 Retail Art Studio

- A. Retail art studios are a Permitted Use in the CP Commercial Pedestrian, CN Commercial Neighborhood, CG Commercial General, MS-G Main Street Ground Floor Commercial, MS-C Main Street Commercial, DC Downtown Primary Commercial and DC-NT1 Downtown Commercial Neighborhood Transition 1 Districts only if all of the following criteria are met:
1. The use is located on the ground floor of a building; and
 2. A maximum of one thousand five hundred (1,500) square feet of the total floor area is devoted to manufacturing of artistic items, and shall be contiguous to the area of retail sales use; and
 3. A minimum of twenty percent (20%) of the total floor area shall be devoted to retail sales; and
 4. All activities, except for activities that conform to Section 20.40.520 or Section 20.75.320, shall be conducted in a fully enclosed building; and
 5. The use shall conform to all applicable building and fire code regulations of the City of San Jose.
- B. A retail art studio that does not conform to all of the requirements set forth in Section 20.80.1175(A) may be allowed through the approval of a Special Use Permit.

SECTION 4. Section 20.90.010 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

20.90.010 Purpose

The purpose of this Chapter is to:

- A. Promote adequate off-street vehicle parking and off-street vehicle loading to meet the needs generated by a specific use and promote the efficient utilization of off-street parking facilities.
- B. Promote effective vehicle circulation, reduce congestion, increase safety and aesthetics within the off-street parking and off-street loading areas.
- C. Promote proper siting of the off-street vehicle parking or off-street loading areas to mitigate potential adverse impacts on adjacent land uses.
- D. Encourage the use of alternative modes of transportation and reduce trips by establishing standards for on-site shower and changing rooms.
- E. Ensure access and maneuverability for emergency vehicles.
- F. Encourage bicycles as an alternative mode of transportation by providing adequate, convenient, and secure bicycle parking facilities to meet the needs generated by specific uses.

SECTION 5. Section 20.90.060 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

20.90.060 Number of Parking Spaces Required

- A. Number of Off-Street Vehicle Spaces Required:
 - 1. All parking requirements in Table 20-190 are minimums unless otherwise specified. Each land use shall provide, on site, at least the minimum number of vehicle parking spaces required by Table 20-190, unless a modification has been granted pursuant to Section 20.90.220 or 20.90.230.

2. All required parking shall be made available to residents, patrons and employees of a use on the site.
3. All vehicle parking spaces shall be standard size spaces as set forth in Section 20.90.100. Alternatively, a Development Permit may:
 - a. Authorize all off-street vehicle parking spaces to be uniform-size car spaces, as set forth in Section 20.90.100; or
 - b. Allow up to forty (40) percent of the off-street vehicle parking spaces to be small car spaces as set forth in Section 20.90.100. The remainder of the required vehicle off-street parking spaces shall be standard car space as defined in Section 20. 90.100.
4. If the number of off-street vehicle parking spaces hereinafter required contains a fraction, such number shall be rounded to the nearest higher whole number.
5. Whenever alternative units of measurement are specified in Tables 20-190, 20-200 or 20-210 for computing vehicle off-street parking requirements for any given use, the unit of measurement which provides the greatest number of off-street parking spaces for such use shall control.
6. The minimum number of vehicle off-street parking spaces required for any given use is the same irrespective of the district in which such use is conducted. In case of a use for which vehicle off-street parking requirements are not specified at all, the requirements for the most nearly similar use for which vehicle off-street parking requirements are specified shall apply.
7. When two or more uses are located in the same lot or parcel of land or within the same building, the number of vehicle off-street parking spaces required shall be the sum total of the requirements of the various individual uses computed separately in accordance with this Chapter 20.90, except as hereinafter provided for alternating uses.

B. Number of Bicycle Parking Spaces Required:

1. The minimum number of bicycle parking spaces required for uses permitted under this Title is set forth in Table 20-190.
2. Except as otherwise expressly permitted in this Chapter, the minimum number of bicycle parking spaces required under this Title shall be provided on private property on a parcel or development site in an area, other than a public street, public way, or other public property, permanently reserved or set aside for bicycle parking spaces.
3. A minimum of two (2) short-term bicycle parking spaces and one (1) long-term bicycle parking space shall be provided for each site that has a non-residential use set forth in Table 20-190.
4. If the number of bicycle parking spaces hereinafter required contains a fraction, such number shall be rounded to the nearest higher whole number.

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Agriculture and Resource Uses			
Agriculture and Resource Uses	1 per employee	Note 6	1 per 10 full-time employees
Drive-Through Uses			
Drive-through in conjunction with any use	No additional parking required		<u>none</u>
Education and Training			
Day care center	1 per 6 children, up to 5	Note 6	1 per 10

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
	spaces and thereafter 1 per 10 children (includes employee parking)		full-time employees and children
Instructional studios	1 per 150 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Private Instruction, personal enrichment	1 per 3 students, plus 1 per staff	Note 6	1 per 10 students and full-time employees
School- elementary (K-8)	1 per teacher, plus 1 per employee	Note 6	1 per 10 full-time employees plus 6 per classroom
School- secondary (9-12)	1 per teacher, plus 1 per employee, plus 1 per 5 students	Note 6	1 per 10 full-time employees plus 10 per classroom
School, post secondary	1 per 3 students, plus 1 per staff	Note 6	1 per 10 full-time employees plus 10 per classroom
School, trade and vocational	1 per 3 students, plus 1 per staff	Note 6	1 per 10 full-time employees plus 10 per

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
			classroom
Entertainment and Recreation			
Arcade, amusement	1 per 200 sq. ft of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Batting Cages	1 per station, plus 1 per employee	Note 6	1 per 10 full-time employees plus one per 6 stations
Bowling establishment	7 per lane	Note 6	1 per 2 lanes
Dancehall	1 per 40 sq. ft. open to public	Note 6	1 per 3,000 sq. ft. of floor area
Driving range	1 per tee, plus 1 per employee	Note 6	1 per 10 full-time employees plus 1 per 10 tees
Golf course	8 per golf hole, plus 1 per employee	Note 6	1 per 10 full-time employees plus 1 per 2 golf holes
Health club, gymnasium	1 per 80 sq. ft. recreational space	Note 6	1 per 1,600 sq. ft. of recreational space

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Miniature golf	1.25 per tee, plus 1 per employee	Note 6	1 per 10 full-time employees plus 1 per 6 tees
Performing arts rehearsal space	1 per 250 sq. ft. of floor area	Section 20.90.220(E)	1 per 4,000 sq. ft. of floor area
Poolroom	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Private club or lodge	1 per 4 fixed seats on the premises, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes	Note 6	1 per 60 fixed seats on the premises, or 1 per 90 linear feet of seating, plus 1 per 3,000 sq. ft. of area without seating but designed for meeting or assembly by guests, plus 1 per 5,000 sq. ft. of outdoor area

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
			developed for recreational purposes
Recreation, Commercial (indoor)	1 per 80 sq. ft. of recreational area	Note 6	1 per 1,600 sq. ft. of recreational area
Recreation, Commercial (outdoor)	20 per acre of site	Note 6	2 per acre of site
Relocated Cardroom	1 per 40 sq. ft. of area devoted to card games	Note 6	1 per 800 sq. ft. area devoted to card games
Skating rink	1 per 50 sq. ft. of floor area	Note 6	1 per 1,000 sq. ft. of floor area
Swim and tennis club	1 per 500 sq. ft. of recreation area	Note 6	1 per 5,000 sq. ft. of recreation area

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Motion picture theatre, indoor	1 per 3 seats in theaters with 1-3 screens; 1 per 3.3 seats with 4+ screens	Note 6	1 per 45 seats in theaters with 1-3 screens; 1 per 50 seats with 4+ screens
Motion picture theatre, outdoor	1 per 300 sq. ft.	Note 6	1 per 3,000 sq. ft.
Theaters, Auditoriums, Sports Arenas, and Stadiums-- with or without fixed seats	1 per 4 fixed seats on the premises, plus 1 per 7 linear feet of fixed benches, or 1 per 30 square feet of area used for assembly	Note 6	1 per 60 fixed seats on the premises, plus 1 per 100 linear feet of fixed benches, or 1 per 450 sq. ft. of area used for assembly
Food Services			
Banquet facility	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	Note 6	1 per 50 seats or 1 per 800 square feet of dining area, whichever

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
			requires the greater number of parking spaces
Caterer w/eating facility (not a catering facility)	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	Note 3, Note 6	1 per 50 seats or 1 per 800 sq. ft. of dining area, whichever requires the greater number of parking spaces
Caterer w/no public interface	1 per 250 sq. ft.	Note 6	1 per 3,000 sq. ft. of floor area
Drinking establishments	1 per 2.5 seats or 1 per 40 square feet of drinking area, whichever requires the greater number of parking spaces	Note 3, Note 6	1 per 50 seats or 1 per 800 sq. ft. of dining area, whichever requires the greater number of parking

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
			spaces
Entertainment (with any food or alcohol service)	1 per 40 sq. ft. of area open to the public	Note 3, Note 6	1 per 800 sq. ft. of area open to the public
Outdoor dining incidental to a public eating establishment or a retail establishment	0 spaces up to 25 seats, 1 space per 2.5 for seats over 25	Note 6	1 space per 50 seats
Public eating establishments	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	Note 3, Note 6	1 per 50 seats or 1 per 800 sq. ft. of dining area, whichever requires the greater number of parking spaces
Take-out Only Establishment (including but not limited to pizza delivery, ice cream shops, doughnut shops)	1 per 75 sq. ft. of area open to the public, minimum of 5 spaces, plus 1 per delivery vehicle (if applicable)	Note 3, Note 6	1 per 750 sq. ft. of area open to the public
General Retail			
Alcohol, off-site sales	1 per 200 sq. ft. of floor area	Note 3 and Part 11, Chapter	1 per 4,000 sq. ft. of floor area

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
		20.80, Note 6	
Auction house	1 per 2 seats, or 1 per 50 sq. ft. of auction area exclusive of warehouse area	Note 6	1 per 5,000 sq. ft. of floor area
Food, beverage, groceries	1 per 200 sq. ft. of floor area	Note 3, Note 6	1 per 3,000 sq. ft. of floor area
Plant nursery	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Open air sales establishments and areas	1 per 200 sq. ft. of sales area	Note 6	1 per 3,000 sq. ft. of sales area
Outdoor vending	3 parking spaces	Part 10, Chapter 20.80, Note 6	2 parking spaces
Pawn shop/broker	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Large format commercial establishment	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Large format commercial establishment, associated commercial	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Retail sales, goods and	1 per 200 sq. ft. of floor	Note 3,	1 per 3,000

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
merchandise	area	Note 6	sq. ft. of floor area
Retail sales of furniture	1 per 250 sq. ft. of floor area	Note 3, Note 6	1 per 4,000 sq. ft. of floor area
Retail art studio	1 space per 200 sq. ft. of retail area	Note 3, Note 6	1 per 3,000 sq. ft. of floor area
Sales, appliances, industrial equipment, and machinery	1 per 1000 sq. ft. of floor area	Note 6	1 per 10,000 sq. ft. of floor area
Neighborhood Shopping Center (minimum 100,000 sq. ft. in size), includes a mix of permitted and conditional uses	1 per 225 sq. ft. of floor area	Note 1, Note 6	1 per 3,000 sq. ft. of floor area at publicly accessible entrances with locations to be determined through a Development Permit
General Services			
Bed and Breakfast	2 spaces, plus 1 per guest room, plus 1 per employee	Note 6	1 per space plus 1 per 10 guest rooms
Crematory	1 per full-time employee	Note 6	1 per 10

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
			full-time employees
Dry cleaner	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Hotel/motel	1 per guest room or suite, plus 1 per employee	Section 20.90.220(C), Note 6	1 space plus 1 per 10 guest rooms
Laundromat	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Maintenance and repair, small consumer goods	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Messenger services	1 per 200 sq. ft. of floor area, plus 1 per company vehicle	Note 6	1 per 3,000 sq. ft. of floor area
Mortuary and funeral services	1 per 4 seats, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Mortuary, excluding funeral services	1 per full-time employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Personal services	1 per 200 sq. ft. of floor area	Note 3	1 per 3,000 sq. ft. of floor area
Photo processing and developing	1 per 200 sq. ft.	Note 6	1 per 3,000 sq. ft. of floor area

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Printing and publishing	Minimum 1 per 350 sq. ft. of floor area, maximum 5% over minimum required.	Note 6	1 per 5,000 sq. ft. of floor area
Social Service Agency	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Health and Veterinary Services			
Animal boarding, indoor	1 per employee, plus 1 per 1,000 sq. ft. of floor area	Note 6	1 per 10 full-time employees
Animal grooming	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Emergency Ambulance Station	1 per employee, plus 1 per on-site staff, plus 1 per facility vehicle	Note 6	1 per 10 full-time employees
Hospital per in-patient facility	1 per 2.5 beds	Note 6	1 per 25 beds
Medical clinic/out-patient facility	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Medical, dental and health practitioner	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Veterinary clinic	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Industry			
Catalog and mail order	1 per 250 sq. ft. of floor	Note 6	1 per 4,000

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
house	area of office space plus, plus 1 per 1000 sq. ft. of floor area of warehouse and distribution area		sq. ft. of floor area
Commercial Support	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area
Distribution facility	A minimum of two (2) for facilities with a total gross floor area under five-thousand (5,000) square feet; a minimum of five (5) for facilities with a total gross floor area between five thousand (5,000) sq. ft. and twenty-five thousand (25,000) sq. ft.; for facilities with a total gross floor area in excess of twenty-five thousand (25,000) sq. ft. a minimum of one (1) per five-thousand (5,000) sq. ft. of gross floor area or a fraction thereof	Note 6	1 per 10 full-time employees
Establishment for the repair, cleaning of household, commercial or industrial equipment or	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
products			
Hazardous materials storage facility	1 per employee plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Hazardous waste facility	1 per employee plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Industrial Services	1 per 350 sq. ft of floor area	Note 6	1 per 5,000 sq. ft. of floor area
Junkyard	1 per employee	Note 6	1 per 10 full-time employees
Laboratory	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area
Manufacturing and Assembly, Light, Medium, Heavy	1 per 350 sq. ft. of floor area plus 1 per company vehicle	Note 6	1 per 5,000 sq. ft. of floor area
Miniwarehouse/ministorage	1 per 5,000 sq. ft. of floor area, plus 1 per resident manager	Note 4, Note 6	1 per 10 full-time employees
Outdoor storage	1 per employee	Note 6	1 per 10 full-time employees
Private power generation	1 per employee plus 1 per company vehicle	Note 6	1 per 10 full-time employees

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Research and Development	1 per 350 sq. ft. of floor area	Note 6	1 per 5000 sq. ft.
Stockyard, including slaughter	1 per employee	Note 6	1 per 10 full-time employees
Warehouse	A minimum of two (2) for warehouses with a total gross floor area under five-thousand (5,000) square feet; a minimum of five (5) for warehouses with a total gross floor area between five thousand (5,000) sq. ft. and twenty-five thousand (25,000) sq. ft.; for warehouses in excess of twenty-five thousand (25,000) sq. ft. of total gross floor area a minimum of one (1) per five-thousand (5,000) sq. ft. of gross floor area or a fraction thereof	Note 6	1 per 10 full-time employees
Warehouse retail	Minimum 1 per 2,000 sq. ft. of floor area; maximum 1 per 250 sq. ft. of floor area	Note 6	1 per 10 full-time employees
Wholesale sale establishment	1 per 2,000 sq. ft. of floor area, plus 1 per company vehicle	Note 6	1 per 20,000 sq. ft. of floor area

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Offices and Financial Services			
Automatic Teller Machine (Free standing)	2 per machine	Note 6	1 per 10 machines
Business support	1 per 200 sq. ft. of floor area plus 1 per company vehicle	Note 6	1 per 3,000 sq. ft. of floor area
Financial institution	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Offices, business and administrative	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Offices, research and development	1 per 300 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Private security	1 per 250 sq. ft. of floor area office space, plus 1 per employee, plus 1 per company vehicle	Note 6	1 per 4,000 sq. ft. of floor area
Public, Quasi-Public and Assembly Uses			
Cemetery	1 per full-time employee	Note 6	1 per 10 full-time employees

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Church/Religious Assembly	1 per 4 fixed seats, or 1 per 6 linear feet of seating, or 1 per 30 sq. ft. of area designed for assembly, used together or separately for worship.	Note 6	1 per 60 fixed seats, or 1 per 90 linear feet of seating, or 1 per 450 sq. ft. of area designed for assembly, used together or separately for worship.
Community television antenna systems	1 per company vehicle	Note 6	1 per 10 full-time employees
Museums and libraries	1 per 300 sq. ft. of area open to the public	Note 6	1 per 4,000 sq. ft. of floor area open to the public
Parks and playgrounds	1 per 500 sq. ft.	Note 6	1 per 5,000 sq. ft. of outdoor recreation space

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Community centers	1 per 4 fixed seats, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes	Note 6	1 per 60 fixed seats, or 1 per 90 linear feet of seating, plus 1 per 3,000 sq. ft. of area without seating but designed for meeting or assembly by guests, plus 1 per 5,000 sq. ft. of outdoor area developed for recreational purposes
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	1 per 1.5 employees, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Recycling Uses			
Processing facility	1 per employee of the largest shift, plus 1 per facility vehicle	Note 6	1 per 10 full-time employees

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Transfer facility	1 per employee of the largest shift, plus 1 per facility vehicle	Note 6	1 per 10 full-time employees
Small collection facility	1 per attendant	Note 6	1 per 10 full-time employees
Residential			
Emergency residential shelter	1 per 4 beds, 1 per 250 square feet of area which is used for office purposes	Section 20.90.220(C), Note 6	1 per 5,000 sq. ft. of floor area
Guesthouse	1 per guest room, plus 1 per each employee	Note 6	1 per 10 guest rooms plus 1 per 10 full-time employees
Live/Work	No additional parking required above what is required for commercial use parking	Note 6	1 per 5,000 sq. ft. of floor area

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Living quarters, custodian, caretakers	1 per living unit	Note 6	1 per 10 living units
Mixed Use/Ground floor commercial with residential above	Respective commercial and residential parking requirements combined	Note 6	
Multiple dwelling	See Table 20-210 and Table 20-211, required parking is determined by the type of parking facility and the number of bedrooms		See Table 20-210 and Table 20-211
One family dwelling	2 covered	Note 5 and Section 20.90.220(B)	None
Residential Care or Service Facility	1 per first 6 client beds, plus 1 additional space for up to 4 client beds (or portion thereof) above the first six, plus 1 additional space for each additional four client beds (or portion thereof), plus 1 space for each employee or staff member.	Section 20.90.220(C), Note 6	1 per 10 full-time employees
Servants quarters attached to a one-family dwelling or attached to a garage structure	1 additional parking space	Note 6	1 per 10 full-time employees

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
SRO Facilities within 2,000 ft. of public transportation SRO Residential Hotels SRO Living Unit Facilities with shared kitchen and bathroom facilities SRO Living Unit Facilities with partial or full kitchen and bathroom facilities	 .25 per SRO unit .25 per SRO unit 1 per SRO unit	Note 6	1 per SRO unit
SRO Facilities not within 2,000 ft. of public transportation	1 per SRO unit	Note 6	1 per SRO unit
Sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions	1 per guest room, plus 1 per employee	Note 6	1 per guest room plus 1 per 10 full-time employees
Temporary farm labor camp necessary to the gathering of crops grown on the site	1 per dwelling unit		None

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Travel Trailer Parks	1 per employee	Note 6	1 per 10 full-time employees
Two family dwelling	See Table 20-200, required parking is determined by the type of parking facility and the number of bedrooms		None
Transportation and Utilities			
Common carrier depot	1 per employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Data center	1 per 250 sq. ft. of office/meeting/technician work space, plus 1 for each 5,000 sq. ft. of floor area, or fraction thereof, devoted to computer equipment space	Note 6	1 per 5,000 sq. ft. of office/meeting/ technician work space, plus 1 for each 50,000 sq. ft. of floor area, or fraction thereof devoted to computer equipment space

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Television and radio studio	1 per 250 sq. ft. of space devoted to office use	Note 6	1 per 5,000 sq. ft. of space devoted to office use
Wireless communication antenna	1 per site	Note 6	1 per site
Vehicle Related Uses			
Accessory installation, passenger vehicles and pick-up trucks	4 per vehicle work station, plus 1 per employee	Note 6	1 per 10 full-time employees
Auto broker, retail w/on-site storage	See Vehicle sales and leasing	Note 6	1 per 10 full-time employees
Auto broker, wholesale, no on-site storage	1 per 250 sq. ft. of floor area	Note 6	1 per 10 full-time employees
Car wash	1 per employee, plus stacking as follows: self service - 5 cars per lane full service - 15 cars (may be in multiple lanes)	Note 2, Note 6	1 per 10 full-time employees
Gas or charge station	1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	Note 6	1 per 10 full-time employees

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Gas or charge station with incidental service and repair	4 per grease rack or vehicle work station, plus 1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	Note 6	1 per 10 full-time employees
Glass sales, installation and tinting	4 per vehicle work station, plus 1 per employee	Note 6	1 per 10 full-time employees
Repair and cleaning per detailing of vehicles	4 per grease rack or vehicle work station, plus 1 per employee	Note 6	1 per 10 full-time employees
Sale or lease of vehicles Exclusively indoors sales	1 per 350 sq. ft. enclosed showroom, 1 per 2,500 sq. ft. open area, plus 2 per service bay 1 per 200 sq. ft.	Note 6	1 plus 1 per 10 full-time employees
Auto rental agency	1 per 400 sq. ft. of floor area, plus 1 per rental vehicle	Note 6	1 plus 1 per 10 full-time employees
Sale, vehicle parts	1 per 200 sq. ft. of floor area	Note 6	1 plus 1 per 10 full-time employees
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	4 per grease rack or vehicle work station, plus 1 per employee	Note 6	1 plus 1 per 10 full-time employees

Table 20-190			
Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Tow yard	1 per employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Vehicle wrecking, including sales of parts	1 per employee	Note 6	1 per 10 full-time employees

Notes:

1. A covenant of easement is required when multiple parcels are involved.
2. Stacking shall be calculated at twenty (20) feet per car.
3. Parking for uses of this type located within a Neighborhood Business District and meeting all of the requirements set forth in Section 20.90.220(C), may be reduced as specified in Section 20.90.220(C).
4. Parking for miniwarehouse/ministorage uses meeting all of the requirements of Section 20.90.220(D) may be reduced as specified in Section 20.90.220(D).
5. Covered parking may include carports or garages.
6. When part or all of the bicycle parking spaces required for a land use is based on the number of full-time employees, that portion shall be provided in long-term bicycle parking facilities. When part or all of the bicycle parking spaces required for a land use is based on classrooms, that portion shall be provided in short-term bicycle parking facilities. When the bicycle parking required for a land use is based solely on square footage or other criteria in the table, at least eighty percent (80%) of the bicycle parking spaces shall be provided in short-term bicycle parking facilities and at most twenty percent (20%) shall be provided in long-term bicycle facilities.

Table 20-200 Two-family Dwelling			
Living Unit Size	Type of Parking Facility		
	All Open Parking	One-Car Garage	Two-Car Garage
0 Bedroom (Studio)	1.5	1.5	2.0
1 Bedroom	1.5	2.0	2.0
2 Bedroom	2.0	2.0	2.0
3 Bedroom	2.0	2.0	2.0
Each Additional Bedroom	0.25	0.25	0.25

Table 20-210 Multiple Dwelling				
Living Unit Size	Type of Parking Facility			
	All Open Vehicle Parking	One-Car Garage	Two-Car Garage	<u>Bicycle Parking Spaces</u> <small>Note 1</small>
0 Bedroom (Studio)	1.5	1.6	2.2	1 per 4 Living Units
1 Bedroom	1.5	1.7	2.3	1 per 4 Living Units
2 Bedroom	1.8	2.0	2.5	1 per 4 Living Units
3 Bedroom	2.0	2.2	2.6	1 per 4 Living Units
Each Additional Bedroom	0.15	0.15	0.15	1 per 4 Living Units

Note 1: Bicycle parking spaces shall consist of at least 60% long-term and most 40% short-term spaces.

Notwithstanding the provisions of Table 20.210, off-street parking for multiple dwellings in the Pedestrian Oriented Zoning Districts shall conform to the requirements of Table 20-211.

Table 20-211 Multiple Dwellings in the Pedestrian Oriented Zoning Districts		
	Vehicle Parking Spaces	Bicycle Parking Spaces
Minimum Required Spaces²	1.25 per Living Unit	1 per Living Unit
Maximum Required Spaces	2.0 per living unit	None

Note 1: If tandem vehicle parking is provided, any residential unit utilizing tandem parking shall have a parking requirement of two vehicle parking spaces.

Table 20-215 Clean Air Vehicles <u>For non-residential uses provide designated parking for any combination of low-emitting, fuel efficient, and carpool or van pool vehicles as follows:</u>	
Total Number of Parking Spaces	Clean Air Vehicle Parking Spaces
0-9	0
10-25	1
26-50	3
51-75	6
76-100	8
101-150	11
151-200	16
201+	At least 8% of total

SECTION 6. Section 20.90.120 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

20.90.120 Setbacks, Screening and Landscaping

- A. No off-street vehicle parking space or off-street loading space shall be located within any side or front setback area required by other provisions of this Title.
- B. In no event shall the setback for any vehicle parking area consisting of six or more parking spaces located in, or adjoining, any Residential District be less than the front setback, and corner side setback, if any, of the adjoining residential lot or parcel.
- C. In the Main Street Districts the following additional provisions shall apply:
 - 1. At-grade parking that is not fully enclosed within a building shall be set back fifty (50) feet or more from the Main Street, except that an Interim Off-Street Parking Establishment in conformance with the requirements of Table 20-155 may be located within 50 feet of the Main Street.
 - 2. At-grade parking that is not fully enclosed within a building shall be set back a minimum of 5 feet from any Minor or Major Cross Street, which setback area shall be landscaped and shall be maintained in good condition at all times.
 - 3. If at-grade parking that is not fully enclosed within a building includes six (6) or more parking spaces, it shall be effectively screened on all sides which adjoin, face or are directly opposite any lot in a Residential Zoning District by a masonry wall or solid wood fence no less than 5 feet in height.
 - 4. At grade parking areas not located within a structure shall include one tree for every four parking space.
 - 5. Parking structures shall not be located within fifty (50) feet of the Main Street unless they are submerged below grade or are integrated within buildings that conform to the Active Commercial Building Frontage requirements of Section 20.75.130.

SECTION 7. Section 20.90.130 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

20.90.130 Driveways

Each off-street vehicle parking space shall be provided with:

- A. A driveway not less than ten (10) feet wide for ingress and egress; and
- B. A maneuvering area, such as an aisle or driveway, of appropriate dimension and design to provide safe and efficient means of entry and exit by automobiles and other motor vehicles; and
- C. For all lots with a one-family dwelling use, unless otherwise provided in this Title, a driveway not less than twenty-three (23) feet long measured at its shortest side.
- D. Notwithstanding any other provisions of this Title, in a Main Street District, driveways providing vehicular access to a Main Street shall be no more than twenty (20) feet in width at the minimum building setback line, except that the decision-maker may approve a wider driveway through a Development Permit based on a finding that greater width is needed to accommodate loading or other truck access.
- E. Primary vehicular access for a Corner Lot in a Main Street District shall not be provided from the Main Street Frontage.

SECTION 8. Section 20.90.180 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

20.90.180 Disabled Parking Standards

All disabled parking shall conform to the applicable requirements of Title 24 of the San José Municipal Code.

SECTION 9. Section 20.90.210 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

20.90.210 Vehicle Parking - Change in Structure or Use

- A. No structure constructed, or use instituted, prior to November 10, 1965 shall be required to meet the off-street parking requirements of this Title unless there is a substantial change in the structure or in the use of the structure or land.

For purposes of this Section, "change" means any enlargement, conversion or alteration in structure or use. A "substantial change" means more than a forty (40) percent difference between (a) and (b), as follows: (a) the number of parking spaces required under current Code for the structure or use, as it existed on November 10, 1965, and (b) the number of parking spaces required under the current Code for the proposed structure or use. [Substantial Change: $b - a = c$, if $c/a > .40$ (40%)]

1. If the change is not a substantial change, no additional off-street parking is required.
 2. If the change is a substantial change, the current off-street parking requirements shall apply to the entire structure or use.
- B. Except as provided by Section for the Downtown Parking Management Zone, any structure constructed after November 10, 1965 which is changed shall be required to meet and maintain the off-street parking requirements for the entire structure or use.

SECTION 10. Section 20.90.220 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

20.90.220 Reduction in Required Off-Street Vehicle Parking Spaces

- A. Alternative Transportation

1. A reduction in the required off-street vehicle parking spaces of up to ten percent (10%) may be authorized with a Development Permit or a Development Exception if no Development Permit is required, for structures or uses that conform to all of the following:
 - a. The structure or use is located within 2,000 feet of a proposed or an existing rail station, or an area designated as neighborhood business district in the City's General Plan; and
 - b. The structure or use provides bicycle parking spaces in conformance with the requirements of Table 20.90.
2. A reduction in the required off-street vehicle parking spaces for a structure or use of up to ten percent (10%) or up to two (2) off-street vehicle parking spaces, whichever is less, may be authorized with a Development Permit or a Development Exception if no Development Permit is required for a particular use, for non-residential uses in conformance with the following:
 - a. In addition to the off-street bicycle parking spaces required for the structure or use, ten (10) off-street bicycle parking spaces consisting of bicycle racks or five (5) off-street bicycle parking spaces consisting of bicycle lockers shall be provided for every one (1) required off-street vehicle parking space that is reduced; and
 - b. The bicycle parking spaces shall conform to all of the requirements of this Chapter.

B. One-family Dwellings

1. A reduction in the required off-street vehicle parking for a one-family dwelling is allowed by right if the following criteria are met:
 - a. At least one covered parking space is provided; and
 - b. No more than one dwelling occupies the lot; and

- c. The location of the required covered parking is set back a minimum of sixty (60) feet from the front property line when the garage is accessed via a curb cut from the front property line and forty (40) feet from the side corner property line when the garage is accessed via a curb cut from the corner side property line; and
- d. The required covered parking is accessed by a driveway of a width no less than ten (10) feet and no more than twelve (12) feet; and
- e. Any curb cuts accessing the parking shall be in proportion to the driveway width; and
- f. No additional paving in the front setback shall be designated or used for parking; and
- g. The floor area of the covered parking structure does not exceed three hundred and fifty (350) square feet; and
- h. The covered parking structure shall meet all other applicable regulations of this Title.

C. Ground Floor Uses in Neighborhood Business Districts

- 1. The off-street vehicle parking requirement for uses subject to Note 3 on Table 20-190 in Section 20.90.060 shall be reduced to one (1) space per four hundred (400) square feet of floor area, provided all of the following requirements are met:
 - a. The site is designated on the San José 2020 General Plan Land Use Transportation Diagram with the Neighborhood Business District Overlay, and
 - b. The use is located on the ground floor of a building, and

- c. No parking reduction is approved for a use pursuant to Section 20.90.220.A.1 of this Chapter

D. Multiple Family Residential in the Main Street Districts

The decision-maker may reduce the required vehicle parking spaces for a multiple family residential use in the Pedestrian Oriented Zoning Districts with a Development Permit based on the following findings:

- 1. The project includes one or more of the following options:
 - a. The project includes unbundled parking that maximizes the efficient use of available parking; or
 - b. The project includes a car share program that reduces the demand for parking spaces; or
 - c. The project promotes safe pedestrian movements by eliminating or significantly reducing the need for vehicular driveways to the Main Street by means of parcel assembly or shared access or by providing a new pedestrian walkway to the Main Street that facilitates safe and convenient access for a substantial segment of the surrounding neighborhood and
- 2. The project does not include a parking reduction pursuant to Section 20.90.220.G.; and
- 3. For a project that includes ground-floor commercial building space, the project is designed in a manner that ensures adequate parking for ground-floor commercial uses; and
- 4. The project provides vehicle parking spaces at a parking ratio of no less than 0.8 parking spaces per residential unit; and

E. Non-residential Uses in a Main Street District

The decision-maker may reduce the required vehicle parking spaces for non-residential uses by up to thirty (30) percent with a Development Permit based on the following findings:

1. The project achieves one of the following:
 - a. The project promotes safe pedestrian movements by eliminating or significantly reducing the need for vehicular driveways to the Main Street through parcel assembly or shared access or by providing a new pedestrian walkway to the Main Street that facilitates safe and convenient access for a substantial segment of the surrounding neighborhood; or
 - b. The project promotes the efficient use of available parking by providing shared parking facilities; and
2. The project does not include a parking reduction for ground-floor commercial building area subject to reduced parking pursuant to Section 20.90.220.A or 20.90.220.C of this Title; and
3. For a project that includes ground-floor commercial building space, the project is designed in a manner that ensures adequate parking for ground-floor commercial uses.

F. Miniwarehouse/Ministorage

1. A reduction in the required off-street parking may be authorized with a Development Permit for those miniwarehouse/ministorage buildings meeting all of the following requirements:
 - a. Buildings are single story, and
 - b. Loading spaces are available directly adjacent to those storage units contained in the single-story building.

G. Other Uses

1. A reduction in the required off-street parking for SROs, emergency residential shelters, residential care/service facilities and convalescent hospitals, hotels/motels, bed and breakfast inns, senior housing uses, indoor recreation uses, performing arts rehearsal space uses, and performing arts rehearsal space uses may be approved with a Development Permit provided that such approval is based upon the findings in Subsection B of Section 20.90.200.

SECTION 11. Section 20.90.230 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

20.90.230 Off-Street Parking Assessment District

- A. Whenever the City Council has undertaken proceedings for the formation of an Off-street Parking Assessment District, the City Council may, by resolution, exempt the territory within such District from the off-street parking requirements set forth in this Chapter 20.90, or modify such requirements as appropriate.
- B. No such exemption or modification of the off-street parking requirements may be approved unless and until the Off-street Parking Assessment District has been formed.
- C. The City Council may at any time, by resolution, terminate any such exemption or modification if the Council determines that the purposes of the Off-street Parking Assessment District will not be achieved.

SECTION 12. Section 20.90.410 of Chapter 20.90 of the San José Municipal Code is amended to read as follows:

20.90.410 Required Off-Street Loading Spaces

- A. Any building, or part thereof, constructed, erected, or moved within or onto any lot or parcel of land in any district for any use as described in subsection B, having a floor area of ten thousand (10,000) square feet or more shall provide at a minimum one (1) off-street loading space, plus one (1) additional such loading space for each twenty thousand (20,000) square feet of floor area.
- B. This section shall apply to buildings intended for use by a manufacturing plant, storage facility, warehouse facility, goods display facility, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning establishment, or other use or uses similarly requiring the receipt or distribution by vehicles or trucks of material or merchandise; and
- C. Such off-street loading space(s) shall be maintained during the existence of the building or use they are required to serve.
- D. Notwithstanding other requirements of this Section, the decision-maker may approve a development with no on-street loading space based on a finding that the project includes adequate provision for loading taking into consideration the nature of the allowed uses, the configuration of buildings and their relationship to the street.

SECTION 13. Section 20.175.042 of Chapter 20.175 of the San José Municipal Code is hereby amended to read as follows:

20.175.042 Minimum Nonresidential Condominium Unit Sizes

- A. For parcels within the New Edenvale Area as defined in the Nineteenth Amended Edenvale Redevelopment Plan adopted on June 15, 1999 and referred to therein as the "Expansion Area", the minimum unit size for non-residential condominium units shall be ten thousand (10,000) square feet.
- B. For parcels within the MS-Main Street Ground Floor Commercial District and the MS-C Main Street Commercial District, the minimum unit size for non-residential condominiums shall be four thousand (4,000) square feet.

- C. For all other parcels in the City, the minimum unit size for nonresidential condominium units shall be seven hundred fifty (750) square feet.

SECTION 14. Chapter 20.200 of Title 20 of the San Jose Municipal Code is hereby amended by adding a Section to be numbered and entitled and to read as follows:

20.200.035 Active Commercial Building Frontage

“Active Commercial Building Frontage” means building space adjacent to a street at the ground level of a building that is designed for retail or other customer-oriented commercial use. Such space shall not include vehicle parking, service areas, utility facilities, residential uses, or residential support uses such as lobbies, resident laundry rooms and resident work-out facilities.

SECTION 15. Chapter 20.200 of Title 20 of the San Jose Municipal Code is hereby amended by adding a Section to be numbered and entitled and to read as follows:

20.200.162 Building Façade

“Building Façade” means that exterior surface of a building facing a street or plaza.

SECTION 16. Chapter 20.200 of Title 20 of the San Jose Municipal Code is hereby amended by adding a Section to be numbered and entitled and to read as follows:

20.200.164 Building Frontage

“Building Frontage” means that portion of a building located adjacent to a street.

SECTION 17. Chapter 20.200 of Title 20 of the San Jose Municipal Code is hereby amended by adding a Section to be numbered and entitled and to read as follows:

20.200.166 Build-to-line

“Build-to-line” means a line parallel to the front property line that designates the location for the façade of a building. For a corner lot in the Pedestrian Oriented Zoning Districts,

the build-to-line for the primary street shall extend to the intersecting street.

SECTION 18. Section 20.200.670 of Chapter 20.200 of Title 20 of the San Jose Municipal Code is amended to read as follows:

20.200.670 Lot, Corner

- A. A corner lot is a lot having at least two frontages on intersecting streets; and
1. A residential corner lot is a lot in a residential district on a corner fronting not more than one hundred twenty (120) feet on one street and not more than one hundred twenty (120) feet on another. If both of the street frontages exceed the specified frontage widths, the lot is considered to have two front property lines.
 2. A commercial corner lot is a lot in a commercial zoning district on a corner fronting not more than one hundred fifty (150) feet on one street and not more than one hundred fifty 150 feet on another. If both of the street frontages exceed the specified frontage width, the lot is considered to have two front property lines.
- B. Notwithstanding the provisions of Section 20.200.670.A, in a Pedestrian Oriented Zoning District, a "corner lot" means a lot having at least two frontages on intersecting streets. Such "corner lot" shall have a minimum of two front lot lines regardless of the dimensions of the lot.

SECTION 19. Chapter 20.200 of Title 20 of the San Jose Municipal Code is hereby amended by adding a Section to be numbered and entitled and to read as follows:

20.200.898 Private Open Space

"Private Open Space" means outdoor space designed for recreation that is accessible to the residents of a single residential unit.

SECTION 20. Chapter 20.200 of Title 20 of the San Jose Municipal Code is hereby amended by adding a Section to be numbered and entitled and to read as follows:

20.200.1005 Residential Building Frontage

“Residential Building Frontage” means building space designed for residential dwelling units located on a Residential Street Frontage in a Pedestrian Oriented Zoning District.

SECTION 21. Chapter 20.200 of Title 20 of the San Jose Municipal Code is hereby amended by adding a Section to be numbered and entitled and to read as follows:

20.200.1304 Unbundled Parking

“Unbundled Parking” means parking that is for sale or lease to residents of a building separate from the sale or lease of living units within that residential building.

SECTION 22. Chapter 20.200 of Title 20 of the San Jose Municipal Code is hereby amended by adding a Section to be numbered and entitled and to read as follows:

20.200.1307 Useable Common Recreation Space

“Useable Common Recreation Space” means indoor or outdoor space that is accessible to all residents of a building or site and that is configured and designed for recreational use.

SECTION 23. Section 20.10.060 of Chapter 20.100 of Title 20 of the San Jose Municipal Code is hereby amended to read as follows:

20.10.060 Zoning Districts Established

- A. In order to regulate and restrict the location of residences, professions, businesses, trades, and industries, to regulate and restrict the location, height, and size of buildings and structures hereafter erected, enlarged or altered, and to regulate and determine the area, depth, and width of yards, setback areas, and other open spaces, the following classes of City zoning districts are hereby

established, as set forth in Table 20-10:

Table 20-10 City Zoning Districts		
Zoning District	Zoning Map Symbol	Alternative Zoning Map Symbol
OS Open Space	OS	OS
A Agricultural	A	A
Rural Residential Residence District (1 DU/5 Acres)	R-1-RR	None
R-1-1 Residence District (1 DU/Acre)	R-1-1	R-1-B-3
R-1-2 Residence District (2 DU/Acre)	R-1-2	R-1-B-2
R-1-5 Residence District (5 DU/Acre)	R-1-5	R-1-B-8,R-1-B-1
R-1-8 Residence District (8 DU/Acre)	R-1-8	R-1, R-1-B-6
R-2 Residence District (2 DU/Lot)	R-2	R-2
R-M Residence District (Multiple Unit/Lot)	R-M	R-3, R-3-F, R-3-A, R-3-B, R-3-C, R-4
R-MH District (mobilehome parks, travel trailer parks)	R-MH	T-M
CO Office Commercial District	CO	C-L, C
CP Pedestrian Commercial District	CP	C-1
CN Neighborhood Commercial District	CN	C-2
CG General Commercial District	CG	C-3
IP Industrial Park District	IP	L-R, IP-a, IP-b, IP-c, IP-d, I
LI Light Industrial District	LI	M-1
HI Heavy Industrial District	HI	M-4

The foregoing zoning districts are listed in descending order of restrictiveness, that is, with the most restrictive district listed first and the least restrictive district listed last.

- B. In addition, the following special zoning districts are established as set forth in Table 20-20. The application of these districts is limited to specific geographic areas of the City as set forth in Section 20.70.010 and Section 20.75.020.

Table 20-20 Special Zoning Districts	
Zoning District	Zoning Map Symbol
DC Downtown Primary Commercial	DC
DC-NT1 Downtown Commercial Neighborhood Transition 1	DC-NT1
MS-G Main Street Ground-Floor Commercial District	MS-G
MS-C Main Street Commercial District	MS-C

SECTION 24. Section 20.40.130 of Chapter 20.40 of Title 20 of the San Jose Municipal Code is hereby repealed.

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SECTION 25. Section 20.40.140 of Chapter 20.40 of Title 20 of the San Jose Municipal Code is hereby repealed.

PASSED FOR PUBLICATION of title this 30th day of November, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, HERRERA, KALRA,
LICCARDO, OLIVERIO, PYLE.

NOES: NONE.


ABSENT: CONSTANT, NGUYEN; REED.

DISQUALIFIED: NONE.

ATTEST:



LEE PRICE, MMC
City Clerk



CHUCK REED
Mayor